THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :2319 of 2007

DATED:08-02-2007

Tummala Naidu.

..... PETITIONER

AND

The Deputy Superintendent of Police,
Kadiri,
Anantapur District & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in pressurizing the petitioner to pay Rs.50,000/- to the 3rd respondent and thereby interfering with the personal liberty of the petitioner and his family members without any legal cause, as illegal, and arbitrary.

3. It is stated that the 3rd respondent has taken a loan from the petitioner for the purpose of purchasing a vehicle and as the said loan amount was not repaid the vehicle was seized and auctioned as per the agreement, as the petitioner is the legal owner of the said vehicle. It is further stated that in respect of the said civil transaction the police have no right or authority to interfere with the rights of the petitioner and to pressurize him to pay the money to the 3rd respondent.

4. It is true that without there being any written representation against the petitioner about the commission of cognizable offence police cannot interfere with the rights of the private citizens, but if there is any such illegal act committed by the Station House Officer it is always open for the petitioner to make a representation before the Superintendent of Police and also file a private complaint but without taking recourse under the Code of Criminal Procedure filing the writ

petition straightaway before this Court may not be just and proper.

5. Accordingly, the Writ Petition is dismissed with a liberty to take appropriate action in accordance with law under the Code of Criminal Procedure. No order as to costs.

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V.ESWARAIAH,J

08th February, 2007.
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